

NOT FOR PUBLICATION

AUG 15 2008

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTONIO MARCOS-MORA, aka Jose
Quintero-Arias,

Defendant - Appellant.

No. 07-30171

D.C. No. CR-06-02141-RHW

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of Washington
Robert H. Whaley, District Judge, Presiding

Submitted July 22, 2008^{**}

Before: B. FLETCHER, THOMAS, and WARDLAW, Circuit Judges.

Antonio Marcos-Mora appeals from the 77-month sentence imposed
following his guilty-plea conviction for being an alien in the United States after

^{*} This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Marcos-Mora contends that the district court violated Federal Rule of Criminal Procedure 32(h) by failing to give adequate notice of its intent to depart upward from the Sentencing Guidelines range. The district court announced its intention to consider the sentence increase at the beginning of the sentencing hearing and Marcos-Mora had a full opportunity to respond. We see no plain error.

AFFIRMED.